

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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STEVEN B. BARGER, an individual,

Plaintiff,

-against-

FIRST DATA CORPORATION, et al.,

Defendants.
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ORDER

Case No. 1: 17-cv-04869-FB-LB

Appearances:

For the Plaintiff:

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For the Defendants:

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BLOCK, Senior District Judge:

The plaintiff appeals, pursuant to Fed. R. Civ. P. 72(a), Magistrate Judge Lois Bloom's Order of September 4, 2018, denying his motion to compel designation and depositions under Fed. R. Civ. P. 30(b)(6) with respect to four topics. The defendants argue that the requested topics are irrelevant and that the plaintiff has already exhausted the discovery to which he is entitled.

Standard of Review

Rule 26(b)(1) of the Federal Rules of Civil Procedure sets forth the scope and limitations of permissible discovery. Parties may obtain discovery regarding any matter, not privileged, that

is relevant to the claim or defense of any party. A magistrate judge's order is reviewed under a clearly erroneous or contrary to law standard. Fed. R. Civ. P. 72(a).

Discussion

After reviewing the plaintiff's memorandum and materials submitted in support of his appeal as well as the transcript of the September 4, 2018, status conference with Magistrate Judge Bloom, the Court finds that the magistrate judge's Order was neither clearly erroneous nor contrary to law. The magistrate judge was not clearly erroneous in concluding that the plaintiff's four requested topics were not relevant to his case and that he had already had the opportunity to obtain information on some of those topics. The Court finds that the plaintiff is not precluded from developing his case with regard to his FMLA and ADA discrimination claims.

Accordingly, it is ordered that Magistrate Judge Bloom's Order of September 4, 2018, is **AFFIRMED.**

IT IS SO ORDERED.

/S/ Frederic Block
FREDERIC BLOCK
Senior United States District Judge

January 4, 2019
Brooklyn, New York